



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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September 29, 2003

IN REPLY PLEASE
REFER TO FILE: PD-1

TO Each Supervisor

FROM James A. Noyes
Director of Public Works

ALAMEDA CORRIDOR EAST (ACE) PROJECT SEPTEMBER 22, 2003, MEETING

On September 22, 2003, the San Gabriel Valley Council of Governments-ACE Construction Authority held their regular meeting. A copy of the agenda and the adopted minutes of the August 25, 2003, meeting is attached. The following items occurred at the meeting, which are of interest to the County.

Under Agenda Item V, the Chief Executive Officer updated the previous month's report regarding the United States House of Representatives approval of \$3.25 million for the ACE project. The United States Senate approved \$2 million for the ACE project, and it is anticipated that a conference committee will act on the final appropriation for Federal Fiscal Year 2004 by September 30, 2003.

Under Agenda Item VI, the ACE Construction Authority Board authorized the Chief Executive Officer to amend design contracts with URS Corporation for the East End Avenue Grade Separation by increasing the contract value by \$250,000 to a new contract value of \$2,638,988 and for the Reservoir Street Grade Separation by increasing the contract value by \$350,000 to a new contract value of \$2,780,000. The completion dates of each contract will be extended through December 2006. The increases are needed to provide for design support during the construction phase of each project. The bidding and construction support element is typically part of the ACE Construction Authority's initial award of a design contract but is not funded until design is complete.

Under Agenda Item VII, the ACE Board adopted ACE's Annual Disadvantaged Business Enterprise Goal for Federal Fiscal Year 2004.

Each Supervisor
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The next meeting of the ACE Construction Authority Board will be on October 27, 2003,
at Irwindale City Hall at 1 p.m.

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Attach.

cc: Chief Administrative Office
Executive Office



Alameda Corridor-East Construction Authority

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REGULAR MEETING AGENDA Monday, September 22, 2003, 1 P.M. Irwindale City Hall - Council Chambers 5050 Irwindale Avenue Irwindale, CA 91706

Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three- minute time limit on individual remarks at the beginning of discussion.

All items set forth on this agenda may be subject to action.

- I. Roll Call and Introductions
- II. Approval of Minutes - Regular Meeting of August 25, 2003 Action
- III. Public Comment
- Chairman's Remarks Information
- V. Chief Executive Officer's Report Information
- Approval of Contract Amendment for East End/Reservoir Design Services Contract with URS Corp. Action
- Adoption of Annual Disadvantaged Business Enterprise (DBE) Goal for Federal FY 2004 Action
- Closed Session:
- Conference with Real Property Negotiators in accordance with Government Code Section 54956.8 Possible Action
 - Property Address: 4111 S. Nogales Street, West Covina
 - Agency Negotiators: Mark Mendoza, Paragon Partners/Joe Montes, Burke, Williams & Sorenson, LLP
 - Negotiating Parties: ACE Construction Authority and Hsiu Chin Tseng
 - Matters under negotiation: Price and Terms
- Conference with Legal Council Regarding Existing Litigation in accordance with Government Code Section 54956.9a Possible Action
 - ACE Construction Authority vs. Bruce Allyn et al.
- IX. Adjournment

The ACE Construction Authority is currently constituted of seven (7) member jurisdictions: the City of El Monte, the City of Industry, the City of Montebello, the City of San Gabriel, the City of Pomona, the County of Los Angeles, and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex officio Board member.

Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes.



**ACE Construction Authority
Regular Board Meeting
August 25, 2003 Minutes**

Chairman Harry Baldwin called the meeting to order at the Irwindale Council Chambers on Monday, August 25, 2003 at 1:06 PM.

1. In attendance were:

Ernie Gutierrez, El Monte
David Gutierrez, San Gabriel
Gloria Molina, County of Los Angeles
Jack Phillips, Industry
Ed Vasquez, Montebello
Ed Cortez, Pomona
Bob Huff, SGVCOG, Diamond Bar

Staff

Rick Richmond, Chief Executive Officer
Joe Silvey, Legal Counsel
Sharon Neely, staff
Deanna Stanley, staff
Cynthia Ambrose, staff
Bruce Armistead, staff
Girish Roy, staff
Mark Mendoza, Paragon Partners
Joe Montes, Legal Counsel

Guests

Rob Van Riel, Senator Nell Soto
Daryll Chenoweth, LA County DPW
Tina Javid, The Gas Co
Susan Brown, Moffatt & Nichol
R. Silverstein, HF&B
Rose Anderson, Congressman Gary Miller
Pat Summerville, DMJM+Harris

2. Approval of minutes of meeting of July 28, 2003

A motion was made to approve the July 28, 2003 meeting minutes.
M/S/C: Molina/Cortez/Unanimous

3. Public Comments

There were no public comments.

4. Chairman's Remarks

The Vice Chairman Gutierrez reported that Harry Baldwin was on vacation so he would serve as Chair of the meeting. He introduced Mr. Baldwin's alternate, Mayor David Gutierrez, of San Gabriel. Vice Chairman Gutierrez referred the Board to ACE Project website usage information material which was distributed to the Board.

5. Chief Executive Officer's Report

Mr. Richmond referred the Board to pages 4-12 of the agenda. He reported that bids were received for field traffic devices for the IRRIS project but that the bids exceeded the engineer's estimate and the procurement was re-bid. The contract award would be requested at the October meeting. Jim Connolly, Bechtel-Korve Program Manager, provided a summary of the program management activities over the last month.

6. Hearing on Resolution of Necessity for Property Acquisition for East End/Reservoir Grade Separation in the City of Pomona

Vice Chairman Gutierrez opened the hearing on the Resolution of Necessity for the East End/Reservoir Project. Mr. Joe Montes, Burke Williams & Sorenson, Counsel for the ACE Project summarized the hearing process. Mr. Montes described prior history on the subject property and that a new hearing was necessary.

Mark Mendoza, Real Estate Manager described the eminent domain process. He reviewed the design options, including elevating Reservoir St. over the UPRR right-of-way; lowering both First St. and Reservoir St.; lowering Reservoir St. and maintaining First St. at grade; and not building a grade separation. He noted the evaluation criteria included, but was not limited to: vehicular movements; impacts to adjacent residential and business areas; property acquisition impacts; and cost. He indicated easements on the subject property was necessary for the East End and Reservoir grade separation. Mr. Mendoza indicated that the Authority had negotiated in good faith and that negotiations will continue. He reviewed photos of the property and the proposed construction areas affecting the property.

The Vice Chairman opened public comment. Robert Silverstein of Hill, Farrer & Burrill and representing property owner Bruce Allyn addressed the Board at length to object to the proposed project. He alleged that there were defects in the Authority's resolution. Mr. Silverstein indicated that the Authority's partial requirements of the property were not viable and a full acquisition was necessary. There were no other public comments and the Chairman closed the public comment period.

A motion was made to close the hearing.
M/S/C: Cortez/Gutierrez/Unanimous

The Board requested clarification of what negotiations had taken place. Mr. Montes clarified what offers had been made to the property owner and that they were for an easement and not a full purchase.

A motion was made to adopt the Resolution 03-10 authorizing the commencement of eminent domain proceedings so as to acquire the temporary easement interests in real property described therein. M/S/C: Molina/Huff/Unanimous

7. Update on Sunset Avenue Grade Separation Design

Bruce Armistead provided a presentation on the outcome of recent design discussions with Union Pacific Railroad (UPRR). He indicated that the project had been on hold pending UPRR agreement on the plan to raise the railroad tracks over Sunset (the only ACE Project with raised tracks). He noted that there were unique geometric constraints in the project area that made it more cost effective to raise the railroad tracks as opposed to lowering the street. He reviewed the redesign to accommodate UPRR comments. He noted the current vertical curve design of the Sunset Avenue grade separation and that it was in compliance with nationally accepted (UREMA) design standards.

8. State and Federal Funding Update

Sharon Neely indicated that pages 26-29 of the agenda provided a funding update. She noted that the FY 2004 State Budget was approved including a set of actions related to transportation. The budget preserved \$189 million for the TCRP program. She indicated that this means that the previously approved \$61.6 million ACE allocations will be honored and ACE can proceed as planned in our '04 budget. The budget recommendation also means that it is likely that the remaining \$68 million TCRP funds previously committed for construction at Baldwin, Sunset and Brea Canyon will be deferred well beyond '04.

Ms. Neely also summarized the federal funding status. She indicated that the ACE Project received \$3.25 million in FY '04 House Transportation Committee Appropriations Bill. The Senate Transportation Appropriation Committee had not yet marked up their FY'04 Appropriations Bill. Both the House and Senate are expected to take up the Appropriations legislation before September 30th.

She gave a report on the five-year transportation re-authorization funding bill. In both the Senate and the House--the primary hold up is the lack of agreement on where to find new revenue to grow the program. The White House continues to threaten to veto any gas tax increase, including indexing. The House Transportation & Infrastructure Committee (T&I) leaders want to write a \$375 B bill (36% more than the Administration's proposal) and the Senate Environment & Public Works/Banking Committees wants a \$311 B bill (13% more than the Administrations proposal). There

currently is not political agreement with House and Senate leaders and the Committee Chairs to come up with the needed revenue to support the proposed funding levels.

She noted in summary that unless leadership agrees in early September on a revenue source for the TEA-21 reauthorization legislation, it is probable that there will be a six month to a one-year extension of the current bill. This would mean there would be no earmarks as was done in the last bill for a five-year period (ACE received a \$136 million earmark). A one-year extension would slow down the Phase II funding objectives of the ACE Project, which seeks a \$200 million highway demonstration earmark (or about \$40 million in authorized highway funding in FY 04).

9. Approval of Contract Amendment for Brea Canyon Road Design Services Contract with DMJM+Harris

Mr. Richmond summarized the staff report on pages 30-31 discussing the need for a design amendment to address the Los Angeles County Public Works requirements for a pump station. The design amendment will result in a construction cost savings to the project of approximately \$1.5 million. Supervisor Molina reminded staff to seek Board assistance on third party matters in the future when needed. A motion was made to authorize the CEO to amend the contract with DMJM + Harris to increase the contract value by \$347,500 to a new contract value of \$3,031,556.

M/S/C: Vasquez/Cortez/Unanimous

10. Approval of Contract Amendment for Ramona Blvd. Design Services Contract with DMJM+Harris

Girish Roy summarized the staff report on pages 32-33 discussing the need for design amendments for the Ramona project. He noted a design change was necessary to accommodate UPRR request for a steel girder bridge rather than the pre-cast concrete beam superstructure originally designed in order to facilitate the expansion of future tracks. Further, design changes were needed to incorporate the City of El Monte agreement to a wet well design, irrigation system changes and landscaping changes. A motion was made to authorize the CEO to amend the contract with DMJM + Harris, Inc. to increase the contract value by \$392,272 to a new contract value of \$2,861,619.

M/S/C: Molina/Vasquez/Unanimous

11. Temple Avenue Train Diversion Project – Authorization for Property Acquisition

Mr. Richmond summarized the staff report on pages 34-36 concerning the partial utility easement and temporary construction easement needed from a parcel located at 218 Machlin Court in the City of Industry. He noted that 5,664 square feet of 574,121 of the parcel was needed adjacent to the railroad tracks on the back of the subject parcel. A motion was made to authorize staff to purchase a portion of property located at 218 Machlin Court in the City of Industry from SL Investment Group LLC that is necessary for the construction of the Temple Avenue Train Diversion project.

M/S/C: Cortez/Vasquez/Unanimous

12. Closed Session

Joe Silvey, ACE Legal Counsel indicated that in accordance with Government Code Section 54956.8 the Board would recess to closed session to discuss real estate negotiations.

The Board returned to open session and Legal Counsel announced that a Board motion was made to accept a negotiated settlement with SL Investment Group LLC for \$77,010 that includes \$56,640 for fee interests; \$8,290 for the permanent utility; and \$12,080 for the temporary easement for the property located at 218 Machlin Court in Industry.

M/S/C: Molina/Vasquez/Unanimous

13. Adjournment

There being no further business, the meeting was adjourned at 1:45 PM.